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Feb 16 2009 1:41PM John C. Moran, Attorney,

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PTO/SB/31 (08-08)

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 403047-A-01-US (Orbach)						
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>02/16/2009</u></p> <p><u>John C. Moran</u> Signature</p> <p>Typed or printed name <u>John C. Moran</u></p>		<p>In re Application of Julian James Orbach</p> <table border="1"> <tr> <td>Application Number 10/810,459</td> <td>Filed 03/27/2004</td> </tr> <tr> <td colspan="2">For Claims 1-5 and 9-22</td> </tr> <tr> <td>Art Unit 2614</td> <td>Examiner Nguyen, Khai N.</td> </tr> </table>	Application Number 10/810,459	Filed 03/27/2004	For Claims 1-5 and 9-22		Art Unit 2614	Examiner Nguyen, Khai N.
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For Claims 1-5 and 9-22								
Art Unit 2614	Examiner Nguyen, Khai N.							
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.								
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>540</u>						
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>								
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<p><u>John C. Moran</u> Signature</p> <p><u>John C. Moran</u> Typed or printed name</p> <p><u>303-450-9926</u> Telephone number</p> <p><u>02/16/2009</u> Date</p>								
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This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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